

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

United States of America,	)	CR. NO. 4:00-256 (CMC)
	)	
v.	)	<b>OPINION and ORDER</b>
	)	
Patrick Dewayne Todd,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255, arguing that in light of the Supreme Court's holding in *Johnson v. United States*, \_\_ U.S. \_\_, 135 S.Ct. 2551 (2015), Defendant is no longer an armed career criminal and should be resentenced. ECF No. 125. Initially, the Government filed a Response in opposition and a Motion to Dismiss. ECF No. 134, 135. On June 10, 2016, Defendant filed a response in opposition to the Government's motion to dismiss. ECF No. 127. On July 14, 2016, the Government filed a response in support, noting that it had obtained the sentencing sheets/judgments for Defendant's prior North Carolina convictions, which showed that Defendant had pled to a lesser included misdemeanor. ECF No. 142. Therefore, the Government now agrees with Defendant's motion to vacate and to a time served sentence of imprisonment. *Id.*

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order as to Patrick Dewayne Todd in CR 4:00-256 filed November 20, 2000, is hereby **vacated**, and this matter is set for resentencing on **Tuesday, August 16, 2016, at 3:00 p.m.** The Government's motion to dismiss (ECF No. 134) is moot.

**IT IS SO ORDERED.**

Columbia, South Carolina  
July 15, 2016

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge